APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,467	05/17/2005	Declan Patrick Kelly	NL 021195	7129

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER
TAKELE, MESEKER

ART UNIT	PAPER NUMBER
2175	

MAIL DATE	DELIVERY MODE
05/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/535,467*	KELLY ET AL.
	Examiner	**Art Unit**	
	MESEKER TAKELE	2175	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>05 May 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/WILLIAM L. BASHORE/
Supervisory Patent Examiner, Art Unit 2175

/Meseker Takele/
Examiner, Art Unit 2175

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments with respect to 1 - 18 have been fully considered but they are not persuasive.

      (a) Griffiths does not discloses means for retrieving stored capabilities of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files",

      (b) Okauda does not disclose "selection means for selecting a set of data files complying with the CAP (non-existent in Okuda et al.) from among data files contained on said information carrier".

      (c) Griffiths et al. neither discloses nor suggests downloading and "a plug-in allowing"

      The Examiner disagrees for the following reasons.

      Per (a), Okuda in view of Griffiths disclose means for retrieving stored capabilities of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files", (such as, Okuda pargraph [0034] Referring to FIG. 1, the digital signal processor 15 reads (plays back) the management data from the optical disk 12, and records the read management data in the memory 16. Proceeding to step SP3, based on the data representing the type of the optical disk 12, the digital signal processor 15 determines whether the optical disk 12 is a CD-R or a CD-RW (i.e., whether or not a CD-ROM has been loaded). If the digital signal processor 15 has negatively determined, it proceeds to step SP4. The digital signal processor 15 proceeds to step SP4 when, for example, a type of optical disk that cannot be played back is loaded, or when a CD is loaded, Okuda pargraph [0036] In step SP3, if the digital signal processor 15 has affirmatively determined, it proceeds to step SP6 and analyzes the directory structure recorded on the optical disk 12 by analyzing the management data recorded in the memory 16. Okuda pargraph [0037] After that, proceeding to step SP7, the digital signal processor 15 determines based on the result of the analysis whether or not a file that can be played back by the optical disk unit 5 is recorded on the optical disk 12. In the optical disk unit 5, the digital signal processor 15 can decompress audio data compressed in the MPEG Audio Layer-3 (MP3) format by the digital signal processor 15. In step SP7, by identifying the extension of each file, the digital signal processor 15 finds a file of audio data compressed in MP3 format. (such as, an appropriate file reader compatible with the media type of the data stream , abstract, such as video data and audio data streams, and pass these data streams to an audio renderer filter 306 and to a video CODEC filter 308, Griffiths, col.,11 lines, 29-54).

      Per (b) Okuda in view of Griffiths discloses selection means for selecting a set of data files complying with the CAP from among data files contained on said information carrier (such as, The controller 3 controls the operation of the entirety of the car audio apparatus 1. In response to a notification from the operation unit 9 and to a notification from the optical disk 5, the controller 3 outputs control commands to the tuner unit 2, the cassette unit 4, the optical disk unit 5, and the display unit 8. Each control command switches the operation of the car audio apparatus 1 in response to a user's operation. Accordingly, with the car audio apparatus 1, for example, by operating the remote commander of the operation unit 9 to select a desired music and also to designate playing of the selected music while seeing a screen including music names, which is displayed on the display unit 8, the user can instruct the optical disk unit to play the corresponding music, Okuda paragraph [0028], [0039],).

      Per (c) Okuda in view of Griffiths disclose downloading (such as, a file management method for downloading a desired file to a predetermined recording medium, paragraph [0015, [0069] and claim 12). .